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OFFICE OF PETITIONS

In re Application of	:	
Alfonso Losada	:	DECISION ON PETITION TO
Application Number: 10/687680	:	WITHDRAW HOLDING OF
Filing Date: 10/17/2003	:	ABANDONMENT
Attorney Docket Number:	:	
SST/1306	:	

This is a decision on reference to the "PETITION TO ACCORD FILING DATE FOR EXPRESS MAIL CORRESPONDENCE RECEIVED BY P.T.O. (UNDER 37 C.F.R. § 1.10(c))," filed on January 18, 2008, which is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on June 18, 2007, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on December 28, 2007.

Petitioner asserts that a proper and timely reply in the form of an amendment in response to the non-final Office action was filed by Express Mail on December 18, 2007. A copy of the reply has been provided with the subject petition.

A review of the record reveals that a timely reply, including the amendment and a three (3) month extension of time, was filed on December 18, 2007, and is located in the Office's Image File Wrapper system.

As such, the papers filed on December 18, 2007, constituted a complete and timely response to the Office action mailed on June 18, 2007.

Therefore, the showing of record is that a response was timely filed, and there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

The application will be referred to Technology Center Art Unit 3721 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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Office of Petitions